

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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For Online Publication Only

JACOB ADONI, on behalf of himself and all others
similarly situated,

Plaintiff,
-against-

CITICORP CREDIT SERVICES, INC. (USA),

Defendant.

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AZRACK, United States District Judge:

ORDER
21-CV-2108 (JMA) (AYS)

FILED
CLERK

2:16 pm, Mar 27, 2023

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Defendant's motion to compel arbitration is denied without prejudice.

Defendant asserts that the reference to "Joseph" Adoni in Andrew Grayot's declaration was a typographical error. However, Defendant did not submit a corrected declaration. Defendant may file a corrected declaration in support of a renewed motion to compel. Defendant also provided the Court with certain exhibits that are redacted (Exhibits 1, 3), or incomplete (Exhibit 1). Defendant shall file unredacted versions of Exhibit 1 and 3 and a complete version of Exhibit 1 in support of a renewed motion to compel.

Additionally, in a renewed motion to compel, the Court directs Defendant to address the following issues and to submit evidence on these issues to the extent such evidence exists:

- (1) Can Defendant provide further detail about Defendant's procedures and practices for mailing communications to Plaintiff and other card holders, including credit cards and the communications that contain the arbitration agreements at issue?
- (2) When was Plaintiff sent first sent a Home Depot credit card?
- (3) What other documents, if any, would have been provided to Plaintiff along with his original credit card?
- (4) Was it Defendant's policy and practice to include the first arbitration agreement in the same mailing as the original credit card?

- (5) What other documents, if any, would be provided to a card holder along with their first credit card?
- (6) Provide Plaintiff's credit card statements from 2008, 2009, and 2010.
- (7) Provide Plaintiff's credit card statements from 2016, 2017, and 2018.
- (8) Was Plaintiff ever sent a replacement credit card? If so, when did this occur and what documents, if any, would have been provided with the replacement credit card?

The parties may file unredacted documents under seal concerning sensitive personal information. Redacted versions of such documents must also be filed on the publicly available docket.

The parties are directed to submit a proposed briefing schedule for Defendant's renewed motion to compel arbitration.

SO ORDERED.

Dated: March 27, 2023
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE